

IN THE MATTER OF

\* BEFORE THE MARYLAND

ROBIN F. OCCHIOLINI

\* BOARD OF NURSING

CERTIFICATE NO.: A00029916

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\* \* \* \* \*

**DEFAULT FINAL DECISION AND ORDER OF REVOCATION  
OF CERTIFIED NURSING ASSISTANT CERTIFICATE**

On March 22, 2021, the Maryland Board of Nursing (the “Board”) issued a charging document<sup>1</sup> (the “Charges”) to **ROBIN F. OCCHIOLINI**, certified nursing assistant (CNA), certificate number **A00029916**, (the “Respondent”), alleging that the Respondent violated the Maryland Nurse Practice Act (the “Act”), Md. Code Ann., Health Occ. §§ 8-101 *et seq.* (2014 Repl. Vol. & 2020 Supp.), specifically § 8-6A-10(a)(31).

The Board’s Charges notified the Respondent of the opportunity to request an evidentiary hearing before the Board. The Charges also advised that if the Respondent failed to submit a request for a hearing to the Board within thirty (30) days from the date of the issuance of the Charges, the Respondent would waive the opportunity for an evidentiary hearing. In the event of such a waiver, the Charges notified the Respondent that the Board would issue a final decision and order by default pursuant to the authority of § 8-6A-10(a) and (b) of the Health Occupations Article, Md. Code Ann., State Gov’t §§ 10-210(4) and 10-221 (2014 Repl. Vol.), and Code Of Maryland Regulations (“COMAR”) 10.27.02.09, wherein the allegations of fact in the Charges would become findings of facts, the disciplinary grounds that the Charges alleged to have been violated would become conclusions of law, and a disciplinary sanction and/or monetary penalty would be imposed.

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<sup>1</sup> The Board’s Charging Document consisted of one three-page letter and a seven-page document entitled, “Charges Under the Maryland Nurse Practice Act.” The Board’s Charging Document is appended to this Order as Exhibit A and is incorporated by reference in its entirety.

The Board sent its Charges by regular and certified mail to the Respondent's last known address on March 22, 2021. The Board finds that the Charges were properly issued and that due and proper notice was given to the Respondent in accordance § 8-6A-10.1 of the Health Occupations Article and §§ 10-207 and 10-209(a) and (c) of the State Government Article of the Maryland Annotated Code.

The Respondent failed to submit a request for an evidentiary hearing within thirty (30) days from the date of the issuance of the Board's Charges. Thus, the Board finds that the Respondent has waived the right to an evidentiary hearing and that the Board is authorized to issue this final decision and order by default pursuant to the authority of § 8-6A-10.1(e) of the Health Occupations Article and § 10-210(4) of the State Government Article of the Maryland Annotated Code.

#### **FINDINGS OF FACT**

The Board adopts the allegations of fact, numbers 1-21 on pages 1-6 of the attached Charges, as Findings of Fact.

#### **CONCLUSIONS OF LAW**

Accordingly, the Board concludes that the Respondent has violated § 8-6A-10(a) of the Health Occupations Article:

- (31) Is expelled from the safe practice program established pursuant to § 8-208 of this title for failure to comply with the conditions of the program[.]

The Board concludes that these violations of the Act fall within category M of the Board's sanctioning guidelines. *See* COMAR 10.27.26.07M. The range of potential sanctions under category M includes suspension for one (1) year to revocation and/or a monetary penalty of \$300 to \$500. *Id.*

**OCCHIOLINI, Robin F. (A00029916)**  
**Default Final Decision and Order of Revocation of Certified Nursing Assistant Certificate**

**ORDER**

Based upon the foregoing Findings of Fact and Conclusions of Law, it is hereby:

**ORDERED** that the certificate of the Respondent to practice as a certified nursing assistant in the State of Maryland, certificate number A00029916, is hereby **REVOKED**; and it is further

**ORDERED** that the Board will not consider an application for reinstatement of the Respondent's certificate to practice as a certified nursing assistance any earlier than **ONE (1) YEAR** from the effective date of this Order; and it is further

**ORDERED** that this Default Final Decision and Order is a **PUBLIC RECORD** under Md. Code Ann., Gen. Prov. §§ 4-101 *et seq.* (2014 Repl. Vol.).

3/8/2022  
Date

Karen E. B. Evans MSN, RN-BC  
The Executive Director's Signature  
Appears on the Original Document

**OCCHIOLINI, Robin F. (A00029916)**

**Default Final Decision and Order of Revocation of Certified Nursing Assistant Certificate**

**NOTICE OF APPEAL RIGHTS**

Any person aggrieved by a final decision of the Board under § 8-6A-10 of the Health Occupations Article may take a direct judicial appeal within thirty (30) days of the date this Order is mailed, as provided by § 8-6A-11 of the Health Occupations Article, § 10-222 of the State Government Article, and Title 7, Chapter 200 of the Maryland Rules, including Md. Rule 7-203 ("Time for Filing Action").

DATE MAILED:           **MAR - 9 2022**



# Board of Nursing

Larry Hogan, Governor • Boyd K. Rutherford, Lt. Governor • Dennis R. Schrader, Acting Secretary

March 22, 2021

The Respondent's address appears on the original document.

**RE: NOTICE OF AGENCY ACTION-Charges under the Maryland Nurse Practice Act  
ROBIN OCCHIOLINI, A00029916**

Dear Ms. Occhiolini:

The Maryland State Board of Nursing (the "Board") is the state agency responsible for the regulation of the practice of nursing in the State of Maryland pursuant to the authority of the Maryland Nurse Practice Act, Md. Code Ann., Health Occupations ("Health Occ."), § 8-101 *et seq.* (2014 Repl. Vol. & 2019.Supp.). Pursuant to § 8-6A-10(a) and (b) of the Health Occupations Article, the Board may reprimand any certificate holder, place any certificate holder on probation, suspend or revoke the certificate of a certificate holder, and/or impose a monetary penalty if the Board finds that the certificate holder has violated any of the disciplinary grounds set forth under HO § 8-6A-10(a)(1)-(34).

Based on the allegations of fact and violation(s) of the disciplinary ground(s) cited in the enclosed document entitled, "Charges Under the Maryland Nurse Practice Act," (hereinafter "Charges"), the Board is notifying you of its intent to take disciplinary action against your certification, which may include reprimand, probation, suspension, revocation, and/or monetary penalty. This letter and the enclosed Charges constitute the notice of agency action that is required by the Maryland Administrative Procedure Act, Md. Code Ann., State Government ("State Gov't.") § 10-207.

Under § 86A-10.1 of the Health Occupations Article, the Board is required to give you an opportunity for an evidentiary hearing before it may take any disciplinary action against your certification.

**TO REQUEST A HEARING:**

If you wish to schedule a hearing, please submit a written request for hearing to the Board within 30 days of the date of this letter, by mail, fax or email, to:

4140 Patterson Avenue - Baltimore, Maryland 21215-2254  
Toll Free: 1 (888) 202 - 9861 • Phone: (410) 585 - 1900 • TTY/TDD: 1 (800) 735 - 2258  
Fax: (410) 358 - 3530  
[www.mbon.maryland.gov](http://www.mbon.maryland.gov)



**NOTICE OF AGENCY ACTION: Charges Under the Nurse Practice Act  
ROBIN OCCHIOLINI, A00029916**

**Attn: Amber Havens Bernal  
Enforcement Division – Discipline Dept.  
Maryland Board of Nursing  
4140 Patterson Avenue  
Baltimore, Maryland 21215  
Fax: (410) 358-1499  
Email: [mbon.nursingdiscipline@maryland.gov](mailto:mbon.nursingdiscipline@maryland.gov)**

A Request for Hearing form has been enclosed for your convenience.

If you submit a written request for an evidentiary hearing, the Board will schedule a case resolution conference to provide an opportunity for a resolution of this case without proceeding to a formal evidentiary hearing. Your attendance at the case resolution conference is voluntary, and your decision not to attend the case resolution conference will not have any influence on subsequent proceedings in this case. If you choose not to attend the case resolution conference, the Board will schedule an evidentiary hearing on the merits of the Charges.

The Board will notify you in writing, at your last known address on record with the Board, of the date, time and location of the case resolution conference and evidentiary hearing. A copy of the Board's hearing procedures will be made available to you upon request. The hearing before the Board will be conducted in accordance with the Maryland Administrative Procedure Act, State Gov't § 10-201 *et. seq.*, § 8-6A-10.1 of the Health Occupations Article, and regulations promulgated by the Board at Code of Maryland Regulations ("COMAR") Title 10, Subtitle 27, Chapter 02.

Pursuant to § 8-6A-10.1 of the Health Occupations Article, and §§ 10-206.1 and 10-208 of the State Government Article, you have the right to be represented by an attorney, to subpoena evidence and witnesses, to present evidence, to cross-examine witnesses called against you, and to present summation and argument. Pursuant to § 8-6A-10(a)-(b) of the Health Occupations Article, § 10-221 of the State Government Article, and COMAR 10.27.02.09, if, after a hearing, the Board finds that you violated any of the disciplinary ground(s) in the enclosed Charges, the Board may take disciplinary action against your certification by issuing a public Final Decision and Order, which will include findings of fact, conclusions of law, and an order of a disciplinary sanction against your certification, which may include reprimand, probation, suspension, revocation and/or a monetary penalty.

Also, pursuant to § 10-208(b)(7) of the State Government Article, you may agree to the evidence and waive your right to appear at the hearing before the Board. However, if you waive your right to appear at the hearing or fail to appear at the hearing for any other reason, please be advised that pursuant to § 8-317(e) of the Health Occupations Article, § 10-210(4) of the State Government Article, the Board may hear and consider the State's evidence, decide the disposition of your case despite your absence, and issue a public Final Decision and Order, which will include findings of fact, conclusions of law, and, if necessary, a disciplinary sanction against your certification, which may include reprimand, probation, suspension, revocation and/or a monetary penalty.

**IF YOU DO NOT REQUEST A HEARING:**

If you do not request a hearing in writing within 30 days of the date of this letter, you will have waived your opportunity for a hearing. Pursuant to the authority of § 8-6A-10(a) and (b) of the

**NOTICE OF AGENCY ACTION: Charges Under the Nurse Practice Act  
ROBIN OCCHIOLINI, A00029916**

Health Occupations Article, §§ 10-210(4) and 10-221 of the State Government Article, and COMAR 10.27.02.09, the Board may, in its discretion, issue a public Final Decision and Order by default, in which: (1) the allegations of fact in the Charges become findings of fact; (2) the section(s) of § 8-6A-10(a) of the Health Occupations Article that the Board has alleged you violated in the Charges become conclusions of law; and (3) a disciplinary sanction is ordered against your certification, which may include reprimand, probation, suspension, revocation and/or a monetary fine.

Any decision made by the Board regarding the Charges could affect your certificate to practice as a certified nursing assistant in the State of Maryland. Therefore, you are strongly advised to retain and be represented by an attorney in any proceeding before the Board. To appear on your behalf, your attorney must be admitted to the Bar in Maryland or specifically admitted pursuant to Maryland Rule 19-217 which governs special admission of out-of-state attorneys *pro hac vice*.

If you or your attorney have any questions about this letter or the enclosed Charges, or wish to see any other material in your Board file regarding this case, please contact Karen Malinowski, AAG, the administrative prosecutor assigned to your case, at (410) 767-5727.

Karen E. B. Evans MSN, RN-BC  
The Executive Director's Signature  
Appears on the Original Document

Enclosures: Charges under the Maryland Nurse Practice Act  
Request for Hearing form

cc: Karen Malinowski, Assistant Attorney General, Administrative Prosecutor

IN THE MATTER OF \* BEFORE THE MARYLAND  
ROBIN OCCHIOLINI \* BOARD OF NURSING  
Certificate No.: A00029916 \* OAG Case No.: 21-BP-005

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**CHARGES UNDER THE MARYLAND NURSE PRACTICE ACT**

The Maryland Board of Nursing (the “Board”) hereby charges the certificate of **ROBIN OCCHIOLINI** (the “Respondent”), Certified Nursing Assistant (“CNA”), Certificate Number **A00029916**, pursuant to the Maryland Nurse Practice Act (the “Act”), Md. Code Ann., Health Occ. §§ 8-101 *et seq.* (2014 Repl. Vol. & 2020 Supp.).

The pertinent provision of the Act is as follows:

§ 8-6A-10 (a) *Penalties.* - Subject to the hearing provisions of § 8-317 of this title and § 8-6A-10.1 of this subtitle, the Board may . . . , reprimand any certificate holder, place any certificate holder on probation, or suspend or revoke the certificate of a certificate holder, if the . . . certificate holder:

- (31) Is expelled from the safe practice program established pursuant to § 8-208 of this title for failure to comply with the conditions of the program[.]

**ALLEGATIONS OF FACT<sup>1</sup>**

The Board bases its charges on the following facts that the Board has reason to believe are true:

1. On or about June 28, 2000, the Board issued the Respondent a certificate to practice in the State of Maryland as a certified nursing assistant (“CNA”). The Respondent’s CNA certificate is currently “Active” with an expiration date of May 28, 2021.

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<sup>1</sup> The statements regarding the Respondent’s conduct identified herein are intended to provide the Respondent with reasonable notice of the asserted facts. They are not intended as, and do not necessarily represent, a complete description of the evidence, either documentary or testimonial, to be offered against the Respondent.

**OCCHIOLINI, ROBIN, A00029916 - Charges**

2. On July 17, 2019, the Board received a complaint filed by the Respondent stating in part, "I Robin Occhiolini had [sic] been using Fentanyl<sup>2</sup> [sic] from used bottles taken from sharps containers."

**Safe Practice Program**

3. On or about September 3, 2019, the Respondent submitted an Application to the Safe Practice Program ("Program"). On the Application, the Respondent listed "fentanyl" [sic] as her drug of choice and her date of last use as July 17, 2019. The Respondent wrote that she "used morphine 16 yrs. ago, used Fentanyl [sic] this past year."
4. On October 10, 2019, Respondent entered into a Participation Agreement ("Agreement") with the Program. The Agreement was to remain in effect for five (5) years, after which time the Respondent could petition for removal of all conditions.
5. As part of the Agreement, the Respondent agreed to:

....

(8) I will continue treatment with the treatment plan developed by my provider;

....

(11) I shall continue in treatment until I am formally discharged from the treatment program. A discharge summary is to be submitted to the Committee within two weeks of discharge from the program;

....

(13) I shall attend a minimum of two support group meetings (such as AA, NA, Celebrate Recovery) weekly and secure a sponsor within 1 month of signing this agreement. I will submit signed attendance sheets to the Committee monthly;

....

(15) I shall arrange for and submit to **random monthly toxicology screens**,<sup>3</sup> at any time, of urine, breathe [sic], hair, nail, or blood, through an entity selected by the Safe Practice Committee (**currently FSSolutions**). I shall register with the identified provider **within 7 days** from the date of this agreement. These screens shall be not less than twice monthly, and can be

<sup>2</sup> Fentanyl is a narcotic analgesic opioid with an analgesic potency of about eighty times that of morphine. It is a Schedule II CDS.

<sup>3</sup> All emphases in this excerpt are in the original Agreement.

**OCCHIOLINI, ROBIN, A00029916 - Charges**

up to **36-40 times per year**. My employer, treatment program/treatment provider, or the Committee may request a random toxicology screen at any time. I understand that any screening results/reports from employers and/or treatment providers do not replace or substitute my required tests for the Board of Nursing. Any positive drug screens/breathalyzer shall be reported to the Committee and will be considered a violation of this agreement. **I understand that toxicology screens must continue until I am discharged from the Committee, in writing;**

- (16) It is my responsibility to instruct the laboratory and treatment program to send a copy of all toxicology screens to the Committee, and to notify the Committee of a positive or missed toxicology screen or unsatisfactory work/treatment reports. **A missed toxicology screen will be considered a positive toxicology screen;**
- (17) I shall provide the Committee with **written (quarterly) progress reports** evaluating my progress towards rehabilitation and elaborating on my recovery program. *These reports are to be submitted even if I may not be working at all or not working in the field of nursing;*
- (18) I shall arrange for my **employer and treatment provider**, including all prescribing physicians, to provide **written (quarterly) progress reports** regarding my compliance and progress toward rehabilitation. It is my responsibility to notify all employers and providers when these reports are due. These reports must reflect my compliance, progress towards rehabilitation, and work performance. The reports are to be submitted even though I may not be working in the field of nursing;
- (19) Should I be prescribed any medication, I will notify the Committee **immediately**, in writing, and send a copy of the prescription to the Committee within 48 hours of the prescribed date. I agree to show this Participation Agreement to any health care provider who prescribes for me including, but not limited to pain management clinicians, dentists, and emergency and urgent care providers. If I am prescribed any controlled dangerous substances or mood-altering medications, I will, in addition to notifying the Committee, obtain a copy of the medical record pertaining to the condition which necessitated the prescription and submit it to the Committee. I agree not to take any mood-altering drugs unless it has been approved by my program/treatment provider.
- .....
- (24) I understand that non-compliance with this agreement shall be grounds for Program expulsion and may result in immediate suspension of my license [sic] to practice nursing. Should expulsion from the Program occur, I understand that a formal[ investigative report, along with all Safe Practice Program records will be forwarded to the Board of Nursing for consideration and decision for potential disciplinary action[.]

## OCCHIOLINI, ROBIN, A00029916 - Charges

6. On October 10, 2019, the Respondent reviewed the Agreement with staff and signed all required releases of information and an Affidavit & Acknowledgement of Safe Practice

Agreement stating:

I, Robin Occhiolini, hereby acknowledge that I have reviewed my Safe Practice Agreement dated 10/10/2019 and I understand the terms of my Agreement reviewed with me on 10/10/2019 with Safe Practice Committee member . . .

I further acknowledge that each document (i.e. worksite, self-report) have been fully explained to me. I have received all documents required by the Safe Practice Committee for submission to comply with the terms of my Agreement.

7. Also on October 10, 2019, the Respondent was provided with an executed copy of the Agreement and reminded that it was her responsibility to be sure that all written reports were submitted by all the parties specified in the Agreement. Her first quarterly reports were due in November 2019, and every three months thereafter.

### Monthly Random Toxicology Screens

8. On or about October 11, 2019, the Respondent enrolled with First Source Solutions for toxicology screens.
9. Between October 11, 2019 and July 9, 2020, the Respondent:
- Failed to check in to the First Source Solutions application on fifty-two (52) occasions.
  - Failed to check in on three (3) days on which she was selected to test: March 2, 2020; June 15, 2020; and June 16, 2020.
  - Had a positive test for amphetamine<sup>4</sup> on 17 occasions: October 25, 2019; October 30, 2019; November 5, 2019; November 20, 2019; November 25, 2019; December 17, 2019; December 31, 2019; January 8, 2020; January 16, 2020; February 10, 2020; February 25, 2020; February 26, 2020; March 3, 2020; March 6, 2020; April 22, 2020; May 15, 2020; and May 22, 2020.

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<sup>4</sup> There is no indication that the Respondent provided the Committee with a copy of the prescription, or a copy of the medical record pertaining to the condition, which necessitated the use of the prescription medication present in her sample.

## **OCCHIOLINI, ROBIN, A00029916 - Charges**

- Submitted her last toxicology screen on or about May 22, 2020.

### **Quarterly Self-Reports**

10. The Respondent submitted two (2) of four (4) required self-reports dated: November 1, 2019 and July 5, 2020 (due May 1, 2020).<sup>5</sup>
11. The Committee has not received any self-reports since July 5, 2020.

### **Quarterly Treatment Reports**

12. On October 17, 2019, the Committee received a Treatment Program/Provider Verification from the Respondent's treatment provider (the "Provider"). The Provider noted that they had *not* reviewed the Respondent's Safe Practice Committee Agreement and that the Respondent had *not* notified the Provider of the requirement to complete quarterly reports.
13. The Respondent failed to have her treatment provider submit four (4) required treatment reports to the Board.
14. The Respondent failed to keep the Committee updated regarding her participation and/or discharge from the Provider

### **Support Group Meetings**

15. The Respondent was required to attend a minimum of two (2) support group meetings per week and submit signed attendance sheets to the Committee monthly.
16. Instead of submitting the signed attendance sheets monthly as stated in the Agreement, the Respondent submitted the signed attendance sheets with her self-reports (November 1, 2019; July 5, 2020).
17. The Respondent submitted attendance sheets to support the following:
  - October 2019 – 1 of 2 weeks compliant (compliant = min of 2 mtgs attended)

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<sup>5</sup> Both of the Respondent's self-reports contained the date of November 1, 2019, the second self-report was received by the Committee on July 5, 2020.

## **OCCHIOLINI, ROBIN, A00029916 - Charges**

- November 2019 – 1 of 5 weeks compliant
- December 2019 – 0 of 4 weeks complaint
- January 2020 – 5 of 5 weeks compliant
- February 2020 – 4 of 4 weeks compliant
- March 2020 – 0 of 4 weeks compliant
- The Respondent provided no evidence that she attended any support groups (virtual or in person) after March 14, 2020.

18. The Respondent failed to provide documentation that she was able to secure a sponsor within one (1) month of signing the Agreement.

### **Withdrawal and Expulsion from the Program**

19. By letter dated June 11, 2020, the Respondent was notified that she was scheduled to meet with the Committee on July 9, 2020. On July 9, 2020, the Respondent met with the Committee.

20. On July 9, 2020, following the meeting with the Committee, the Respondent sent an email that stated in part:

Dear [Committee], I have decided to not go forward with the [Safe Practice] program. After some thought I just do not have it in me to force myself to do this[.]

21. By letter dated July 14, 2020, the Respondent was notified that she was expelled from the Program for non-compliance with the Agreement and that the Committee could no longer consider her safe to practice as a CNA.

**NOTICE OF POSSIBLE SANCTIONS**

If the Board finds that there are grounds for action pursuant to Health Occ. § 8-6A-10 (a) (31), the Board may impose disciplinary sanctions against the Respondent's certificate pursuant to COMAR 10.27.26, including reprimand, probation, suspension, revocation and/or a monetary penalty.

March 22, 2021  
Date

Karen E. B. Evans MSN, RN-BC  
The Executive Director's Signature  
Appears on the Original Document